

**RELATED TO
CIVIL MATTERS
AND
FAMILY LAW MATTERS**



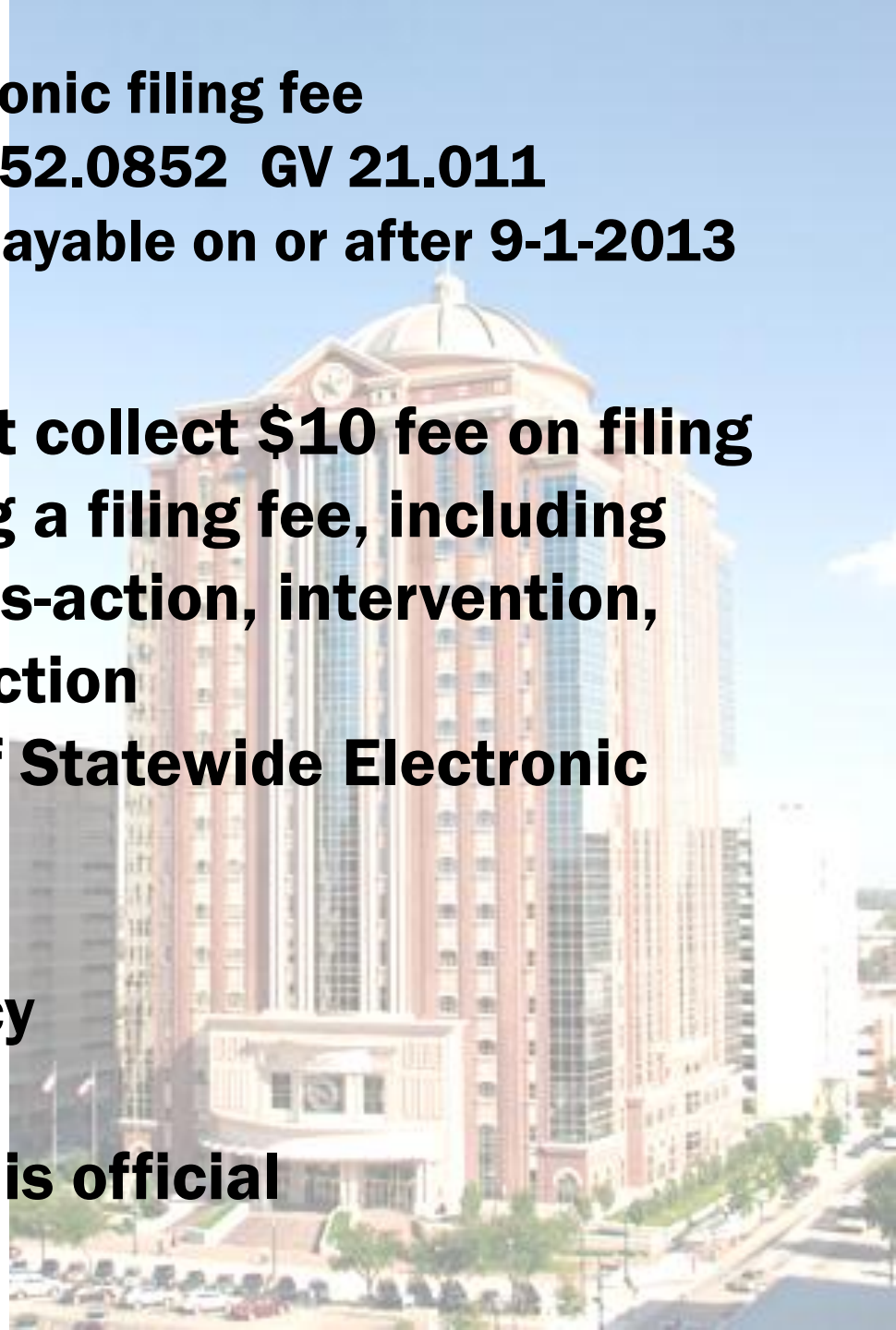
HB 2302 Statewide electronic filing fee
Effective 9-1-2013 GV 52.0852 GV 21.011
Applies to fee that becomes payable on or after 9-1-2013

**Clerk of Justice Court must collect \$10 fee on filing
of any civil action requiring a filing fee, including
appeal, counterclaim, cross-action, intervention,
interpleader, or 3rd party action**

**Remitted to credit of Statewide Electronic
Filing System Fund**

May waive fee for indigency

Document signed digitally is official



HB 1728 Unsworn declaration

Effective 6-14-2013

CV 132.001

Unsworn declaration may not be used:

- **in connection with lien filed with county clerk**
- **any instrument concerning real or personal property**
- **Oath of Office**
- **An oath required to be taken before specified official other than a notary**



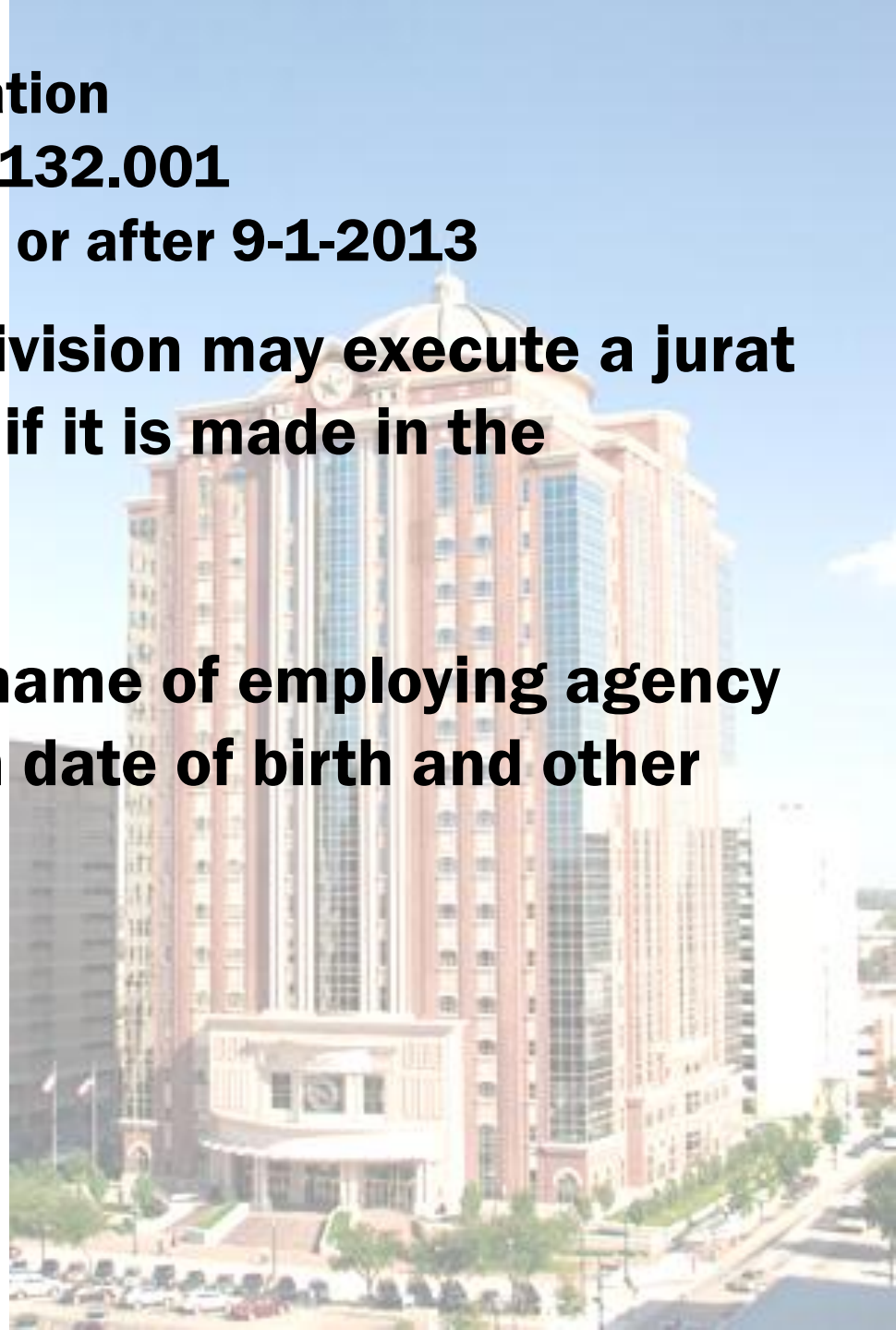
SB 0251 Unsworn declaration

Effective 9-1-2013 CV 132.001

Applies to declaration sign on or after 9-1-2013

Employee of political subdivision may execute a jurat to an unsworn declaration if it is made in the performance of duties

Declaration must include name of employing agency or department, rather than date of birth and other personal information



SB 422 Service on financial institution
Effective 5-2-2013 CV 17.028

**Service of citation on financial institution by
serving the registered agent or the president or
branch manager**

**“Financial institution” means a bank, state or
federal savings and loan association, or state or
federal credit union, or a trust company**



SB 679 Records and supporting affidavits as evidence
Effective 9-1-2013 CV 18.001

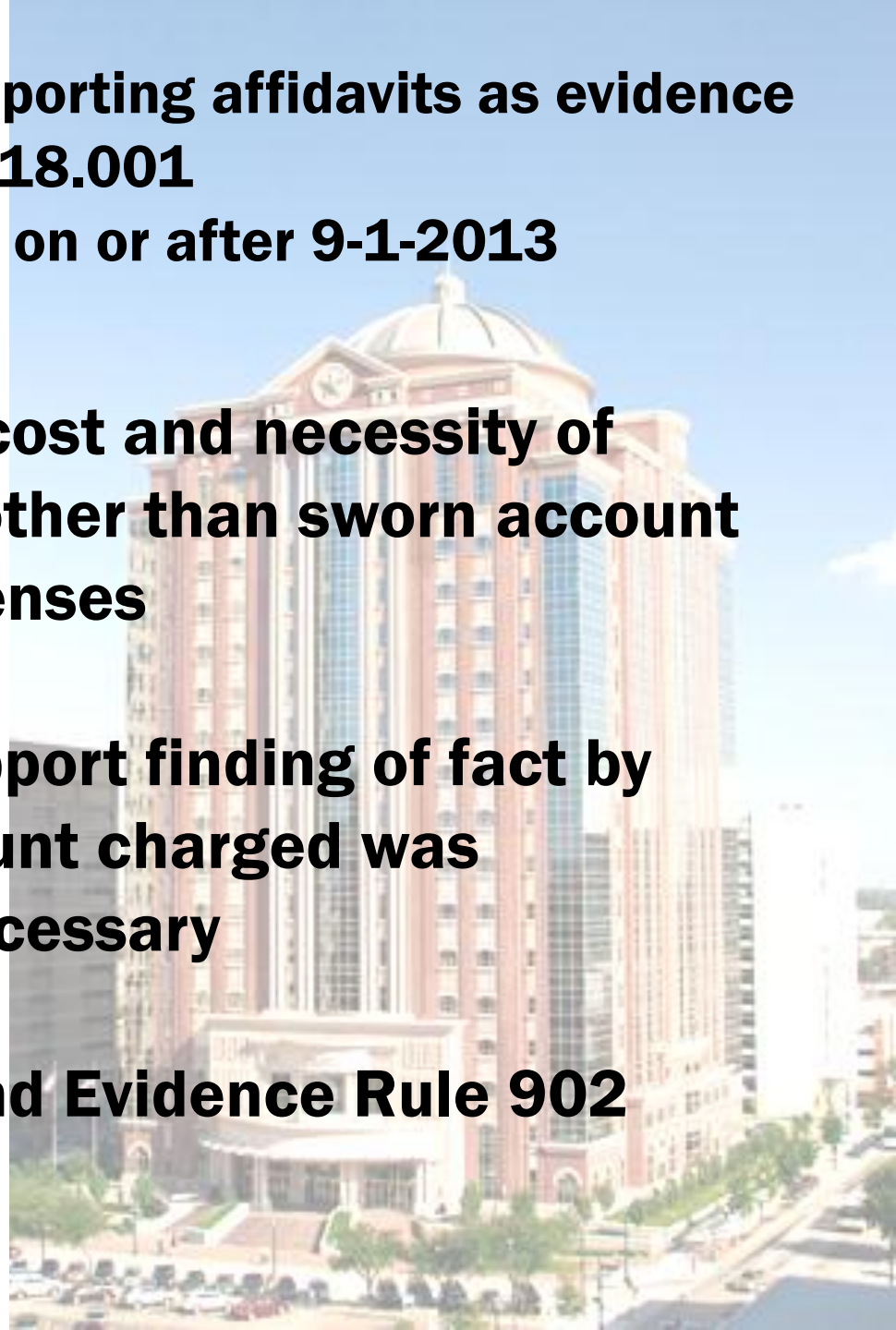
Applies to action commenced on or after 9-1-2013

Provides a form:

- **for affidavit concerning cost and necessity of services for civil action other than sworn account**
- **for proof of medical expenses**

Sufficient affidavit will support finding of fact by judge or jury that the amount charged was reasonable and service necessary

Supreme Court must amend Evidence Rule 902



SB 1630 Vexatious litigants

Effective 9-1-2013 CV 11.001

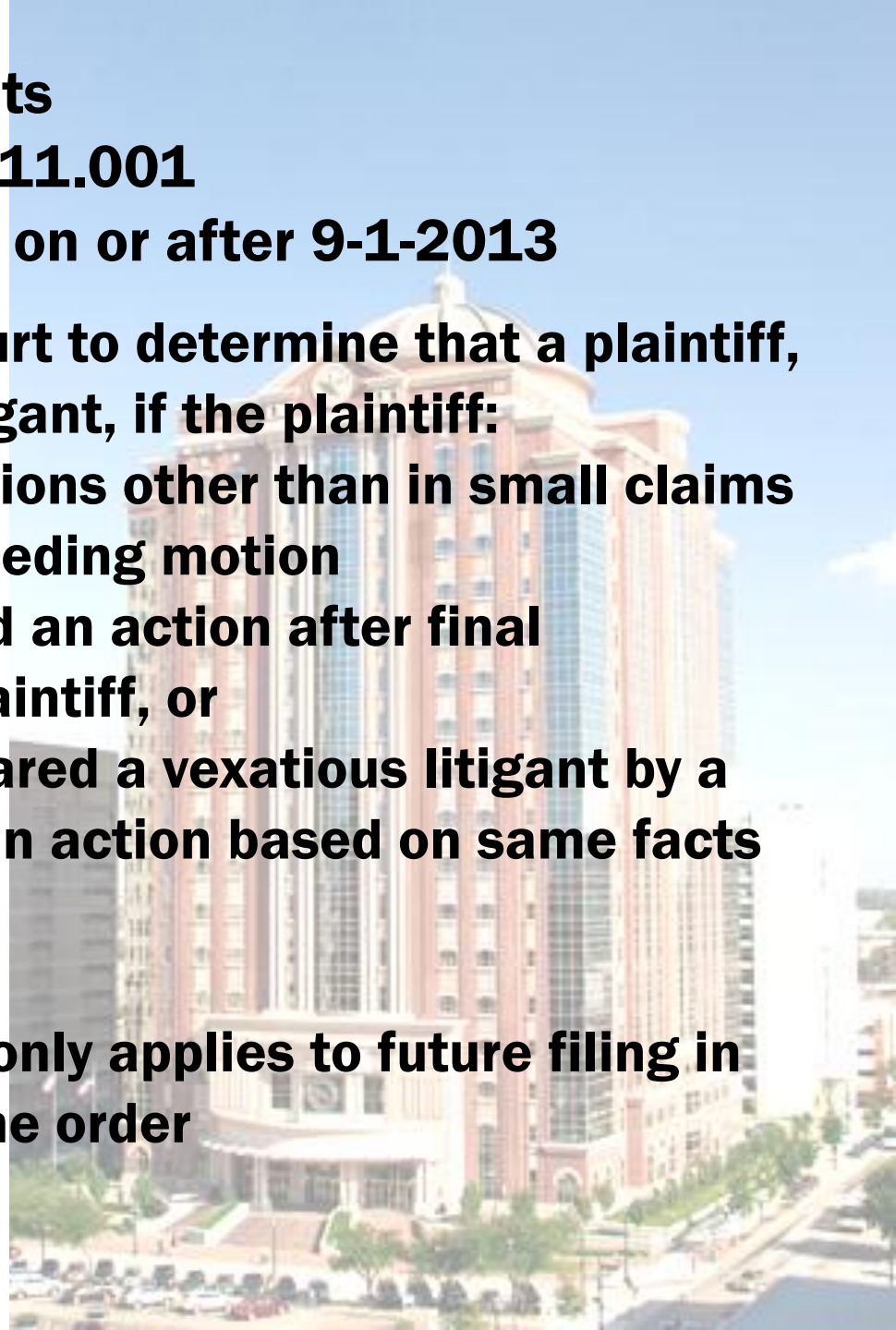
Applies to action commenced on or after 9-1-2013

Defendant may request the court to determine that a plaintiff, acting *pro se* is a vexatious litigant, if the plaintiff:

- **Has filed at least 5 litigations other than in small claims court, within 7 years preceding motion**
- **Has repeatedly relitigated an action after final determination against plaintiff, or**
- **Has previously been declared a vexatious litigant by a state or federal court in an action based on same facts**

Court enters “prefiling order”

Justice Court “prefiling order” only applies to future filing in the Justice Court that issued the order



HB 658 Health care liability claims

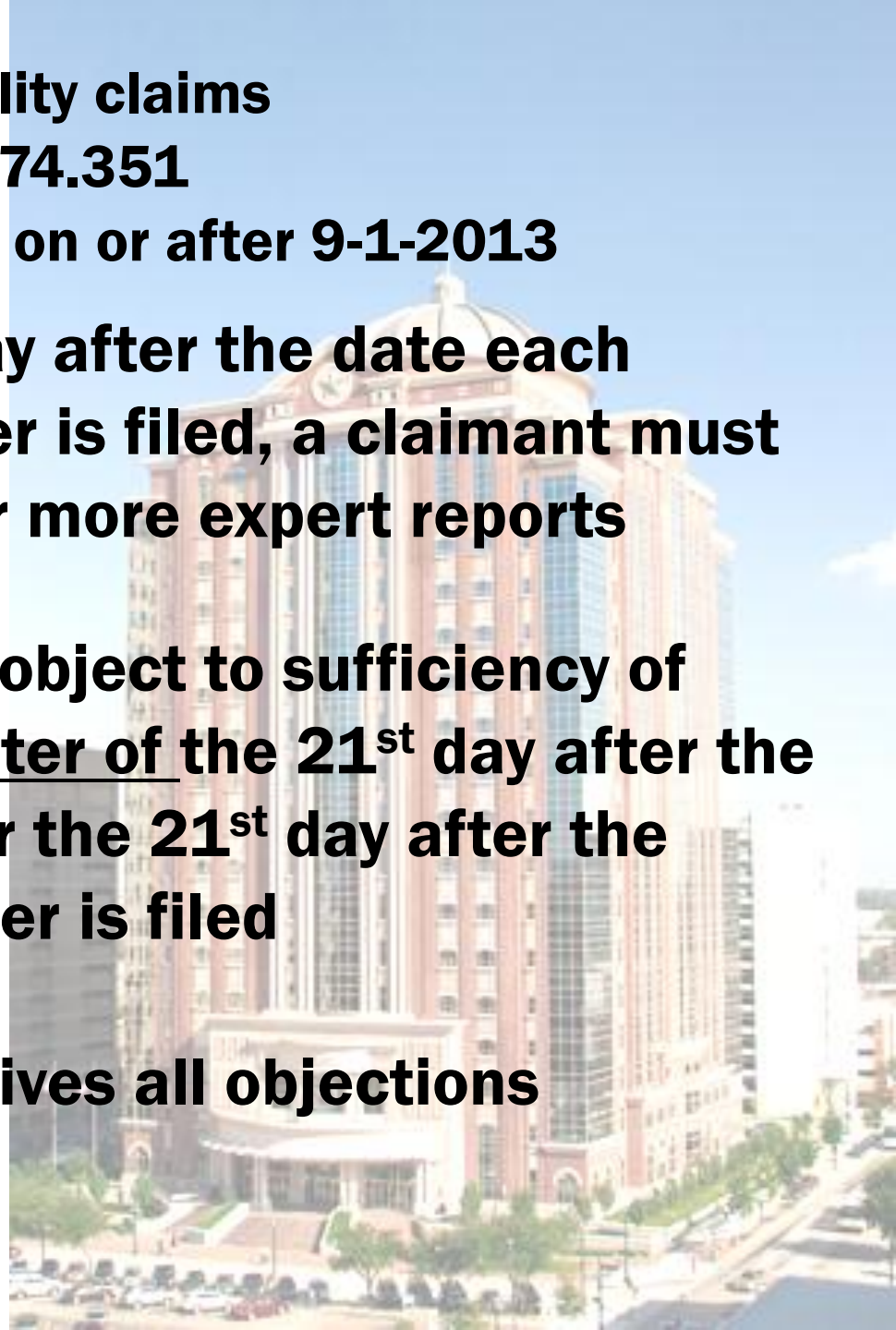
Effective 9-1-2013 CV 74.351

Applies to action commenced on or after 9-1-2013

Not later than the 120th day after the date each defendant's original answer is filed, a claimant must serve the defendant one or more expert reports

Health care provider must object to sufficiency of report not later than the later of the 21st day after the date the report is served or the 21st day after the date the defendant's answer is filed

Failure timely to object waives all objections



HB 1188	Hiring persons with criminal convictions
Effective 6-14-2013	CV 142.001

Applies to action that accrues on or after 6-14-2013

Prohibits a cause of action against an employer solely for negligently hiring or failing adequately to supervise an employee who has been convicted of an offense:

**unless employer knew of conviction
crime was committed while performing similar
duties**

specified offenses against persons, children, elderly, or use of deadly weapon

SB 94 Compelled prostitution

Effective 9-1-2013 CV 98A.001

Applies to action that accrues on or after 9-1-2013

Victim of compelled prostitution may recover damages arising from prostitution (including purchasing of ad promoting prostitution which results in compelling prostitution)

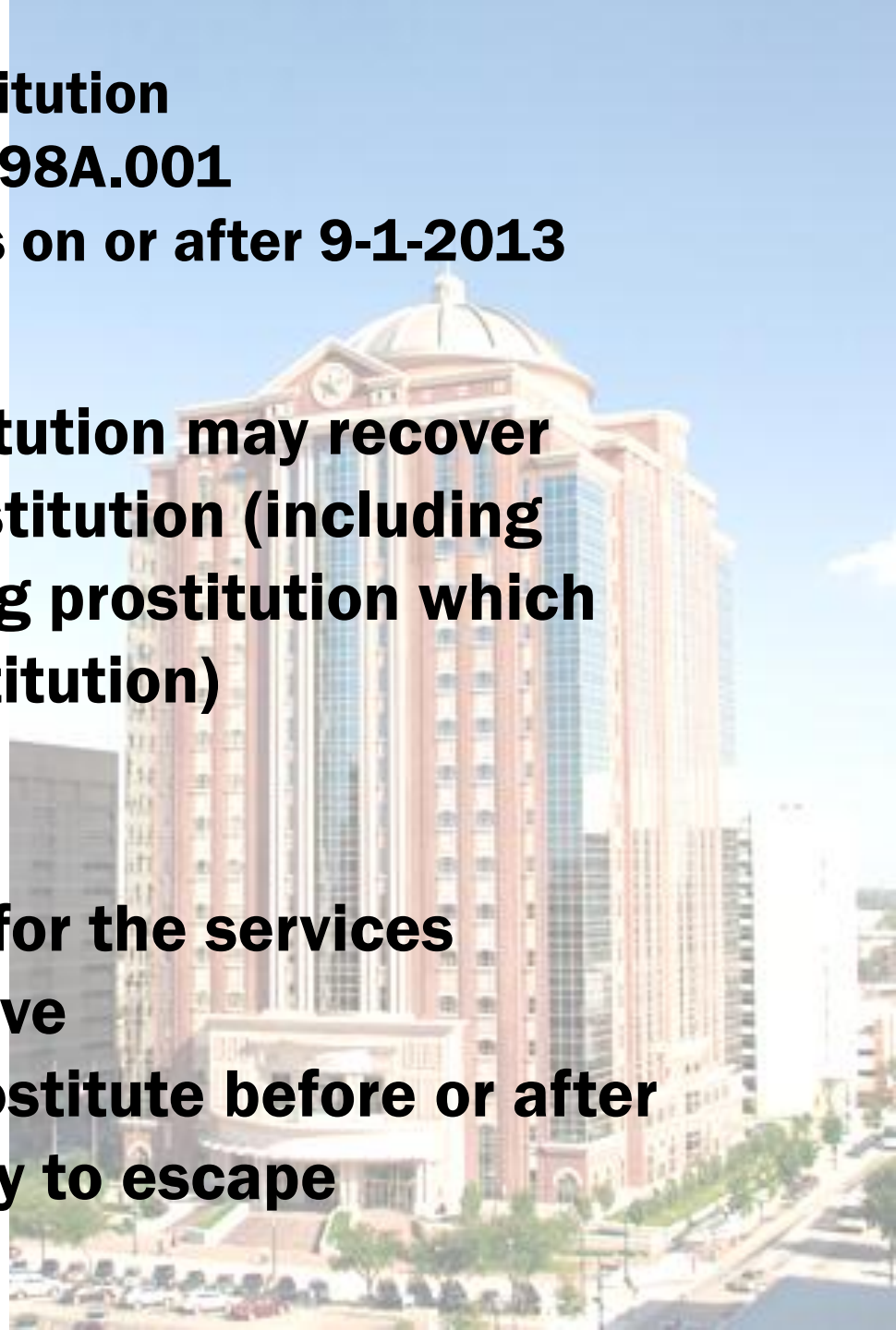
It is not a defense:

that defendant paid for the services

that victim is a relative

that victim was a prostitute before or after

that victim did not try to escape



HB 489 Use of service animals

Effective 1-1-2014 HR 121.003

Applies to offense committed on or after 1-1-2014

Offense: Discriminate against a person with disabilities

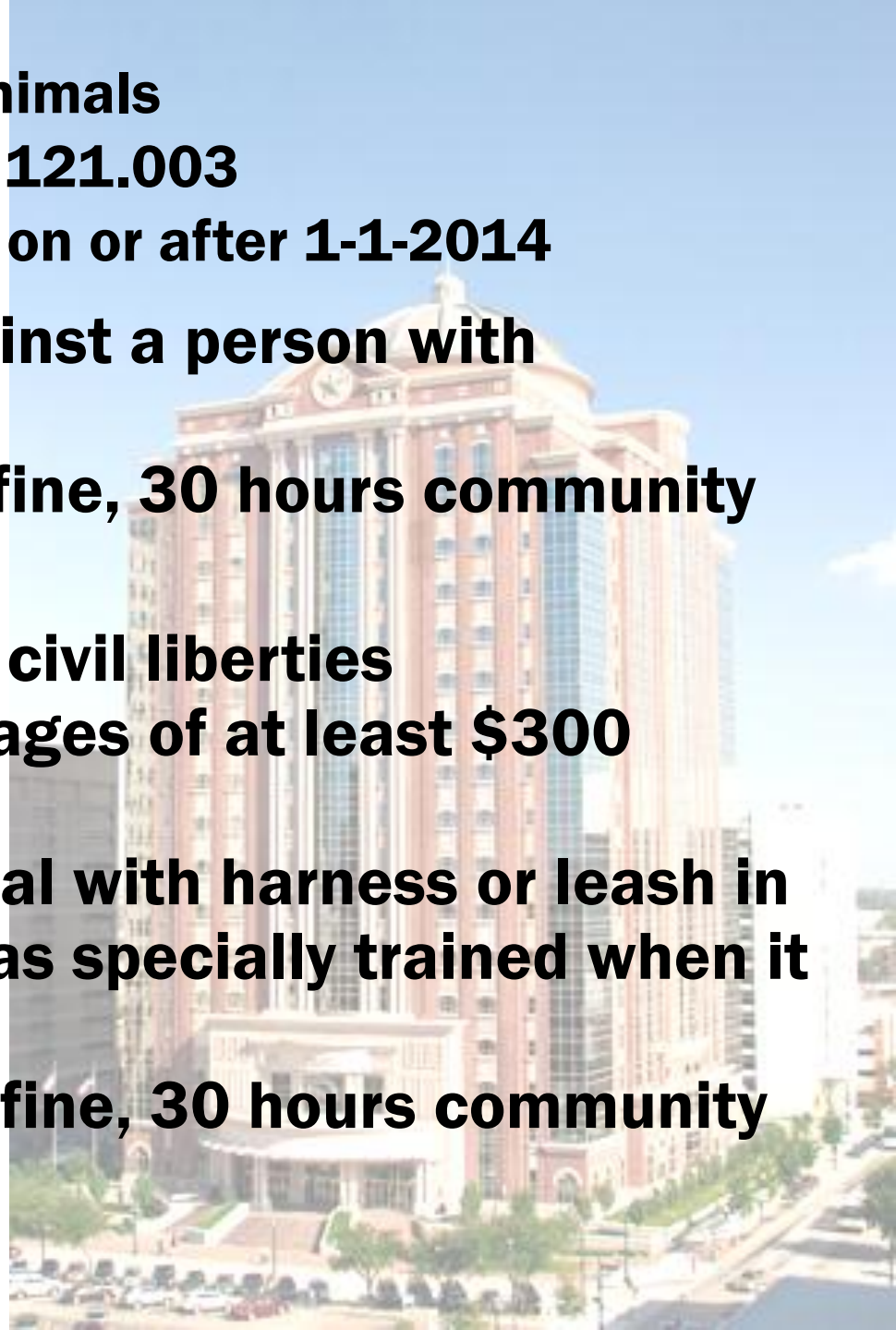
Misdemeanor-\$300 fine, 30 hours community service

Civil suit for deprivation of civil liberties

Presumption of damages of at least \$300

Offense: Use service animal with harness or leash in order to represent animal as specially trained when it is not

Misdemeanor-\$300 fine, 30 hours community service



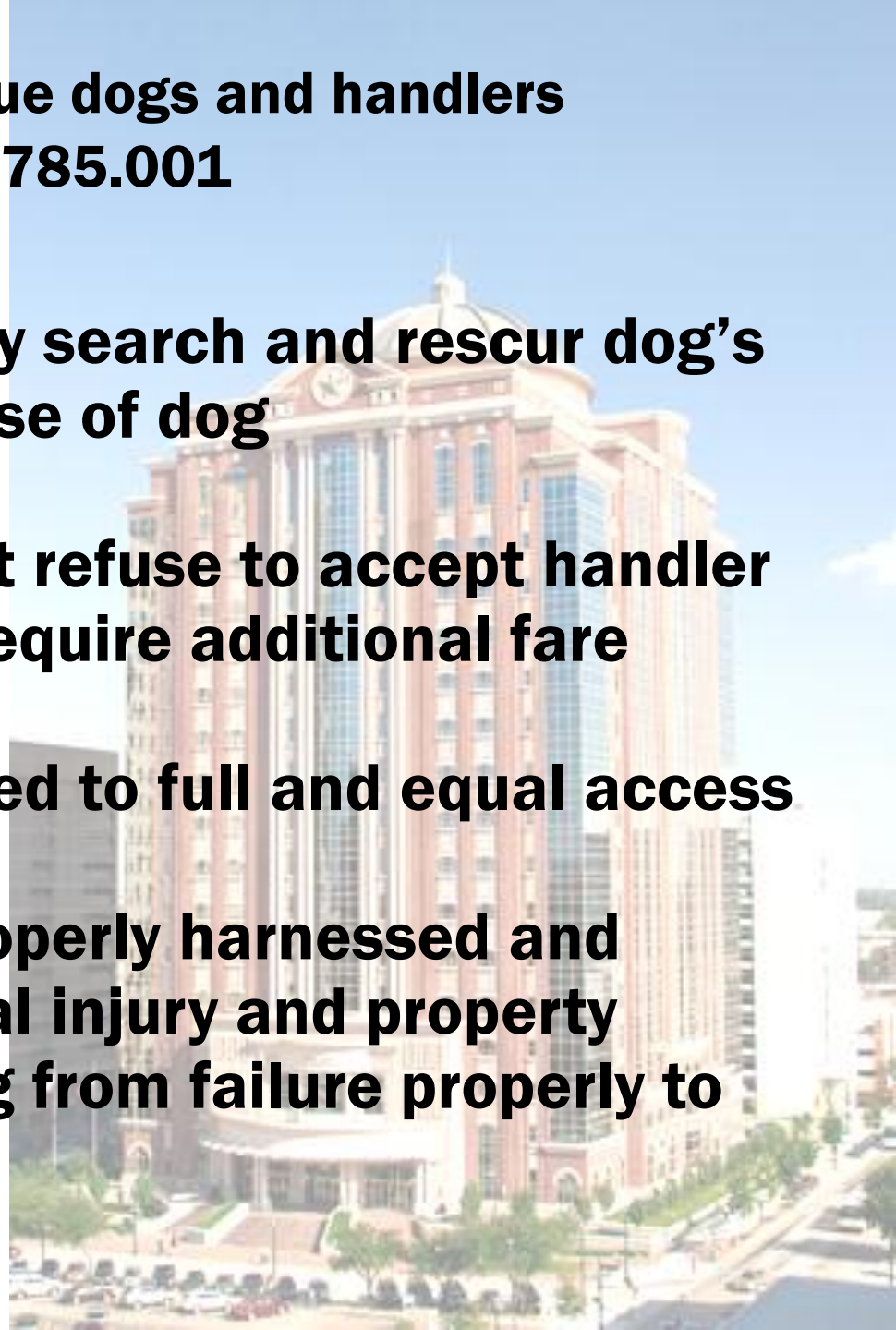
SB 1010 Search and rescue dogs and handlers
Effective 9-1-2013 HS 785.001

Public facility may not deny search and rescue dog's handler admittance because of dog

Public conveyance may not refuse to accept handler or dog as a passenger or require additional fare

Dog and handler are entitled to full and equal access

Handler must keep dog properly harnessed and leashed; liable for personal injury and property damage, or death resulting from failure properly to leash and keep harnessed



**SB 1074 Electronic transmission of documents in
certain insurance transactions**

Effective 9-1-2013

IN 35.004

Applies to communication delivered on or after 1-1-2014

**Allows a property and casualty company to deliver
insurance documents and notices electronically to an
insured who has consented to do business by
electronic means**



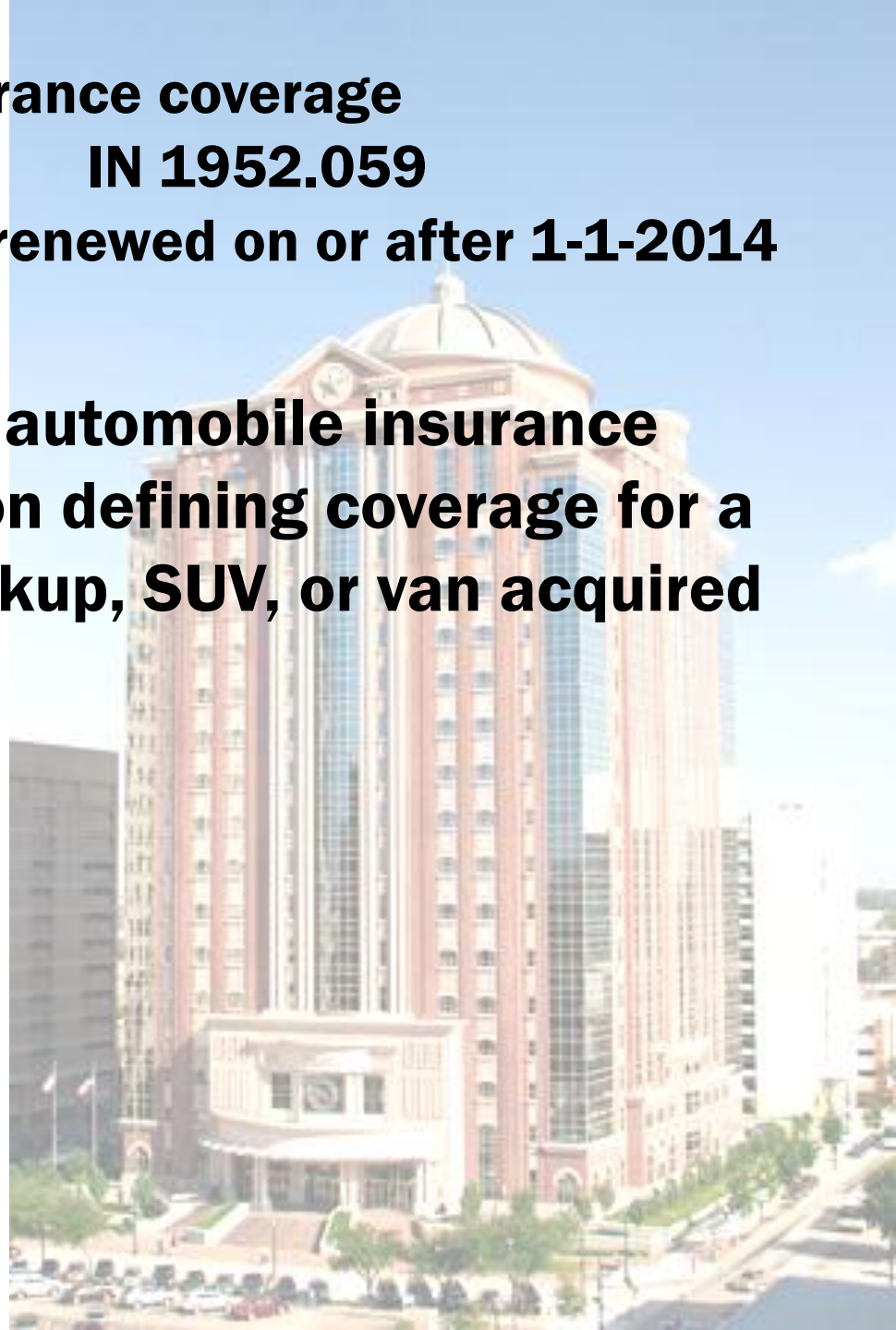
HB 949 Automobile insurance coverage

Effective 9-1-2013

IN 1952.059

Applies to policy delivered or renewed on or after 1-1-2014

Requires a Texas personal automobile insurance policy to contain a provision defining coverage for a passenger automobile, pickup, SUV, or van acquired during the policy term



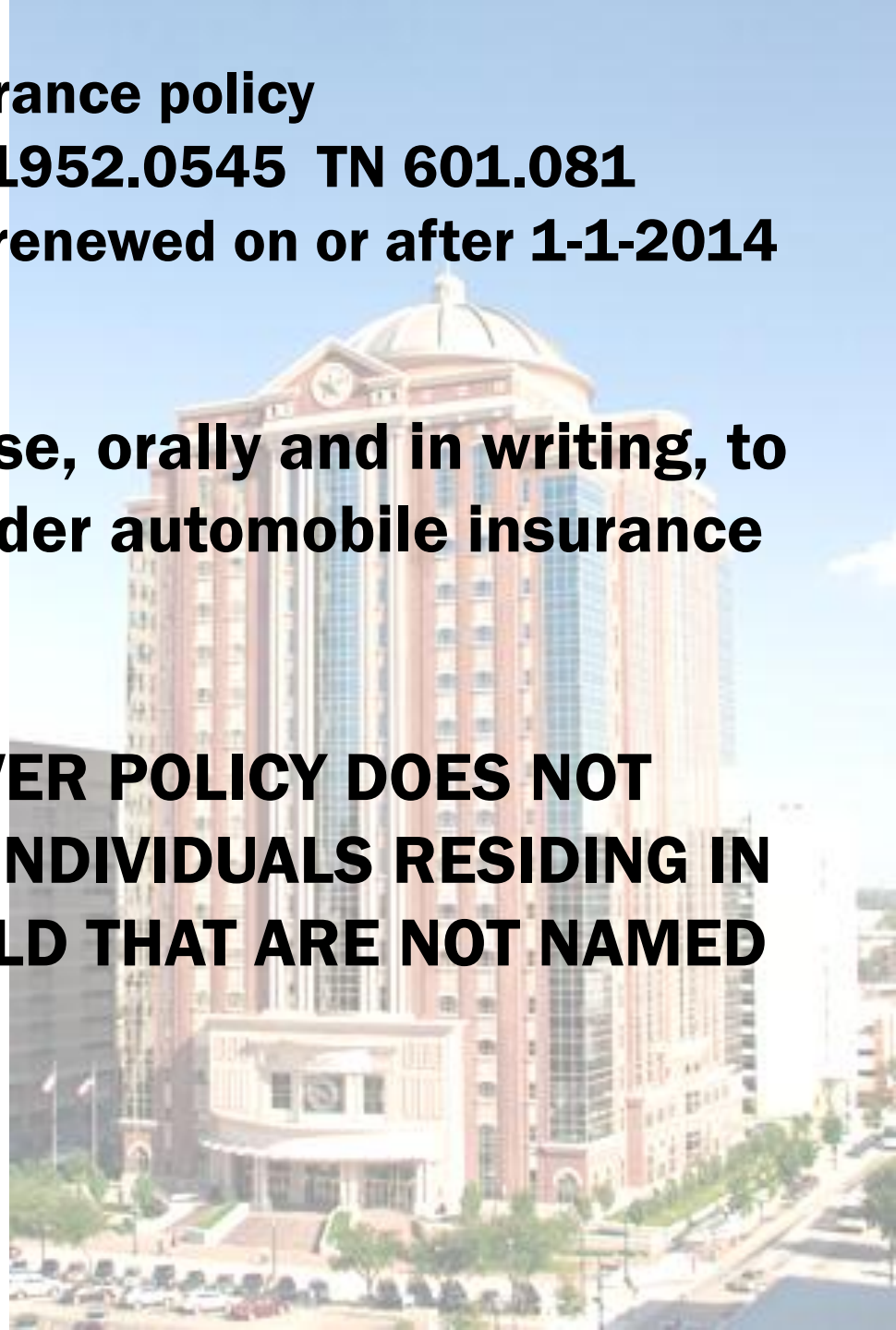
SB 1567 Automobile insurance policy

Effective 9-1-2013 IN 1952.0545 TN 601.081

Applies to policy delivered or renewed on or after 1-1-2014

Agent/insurer must disclose, orally and in writing, to applicant for or insured under automobile insurance policy:

**WARNING: A NAMED DRIVER POLICY DOES NOT
PROVIDE COVERAGE FOR INDIVIDUALS RESIDING IN
THE INSURED'S HOUSEHOLD THAT ARE NOT NAMED
ON THE POLICY**



SB 698 Unearned premiums

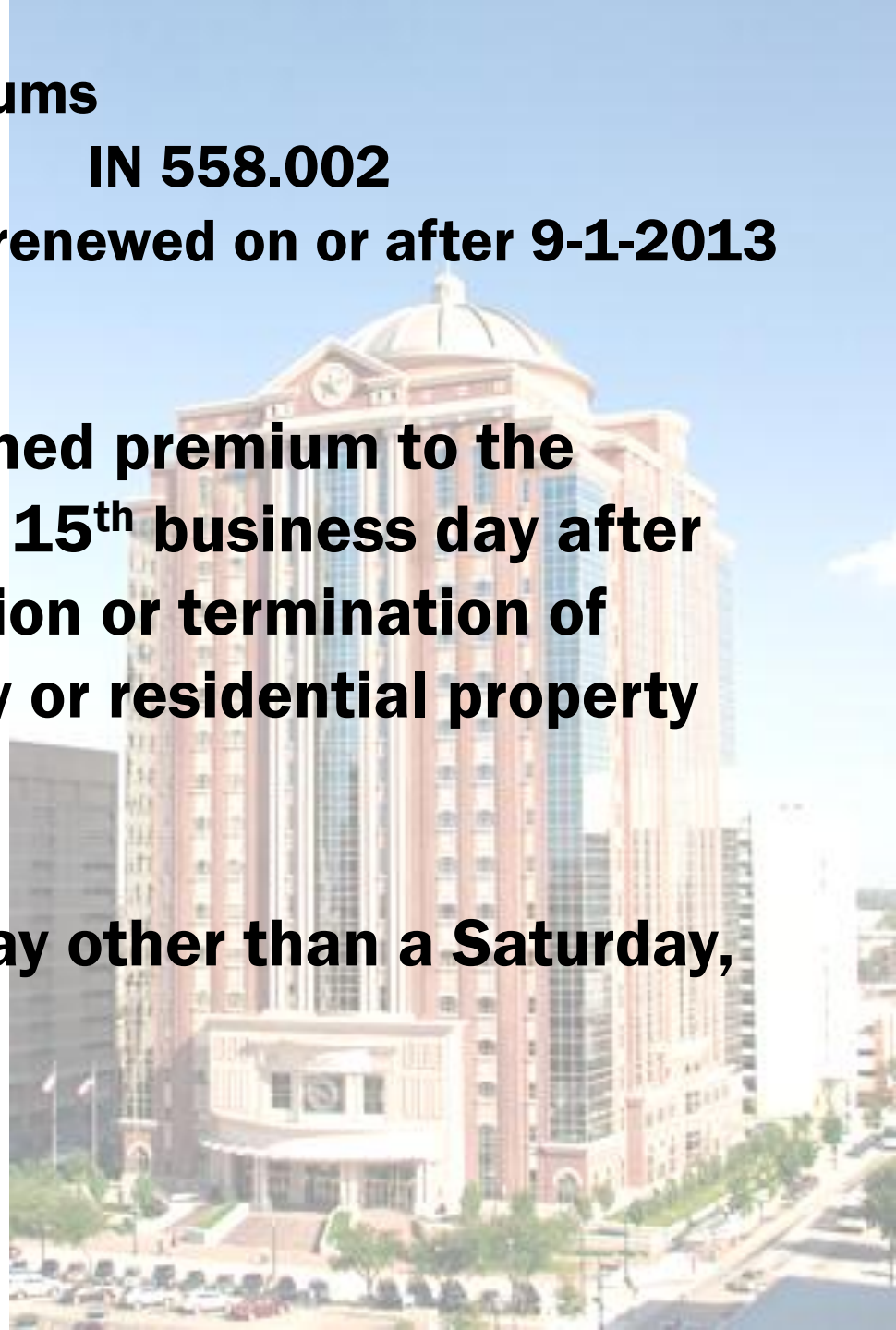
Effective 5-18-2013

IN 558.002

Applies to policy delivered or renewed on or after 9-1-2013

Insurer must refund unearned premium to the policyholder not later than 15th business day after effective date of cancellation or termination of personal automobile policy or residential property insurance

“Business day” means a day other than a Saturday, Sunday, or State holiday



SB 1237 Alternative dispute resolution

Effective 9-1-2013 CV 152.002

Applies to arrest or charge on or after 9-1-2013

Applies to civil case referred on or after 9-1-2013

Judge, including JP, may refer a criminal case to mediation if HCDRC establishes a system for criminal cases and if prosecutor requests mediation

Referral may be made whether or not defendant is charged

Victim must consent

Fee may not exceed \$350 (not paid by victim)



HB 2539 Images of child pornography
Effective 9-1-2013 BC 109.002

Computer technician who, in course and scope of employment or business, views child pornography on a computer, must immediately report discovery to law enforcement or Cyber Tipline at National Center for Missing and Exploited Children

Report includes name and address of owner of computer



HB 2918 Durable Powers of Attorney

Effective 1-1-2014 ES 752.051

Applies to Power of Attorney executed on or after 1-1-2014

New form –

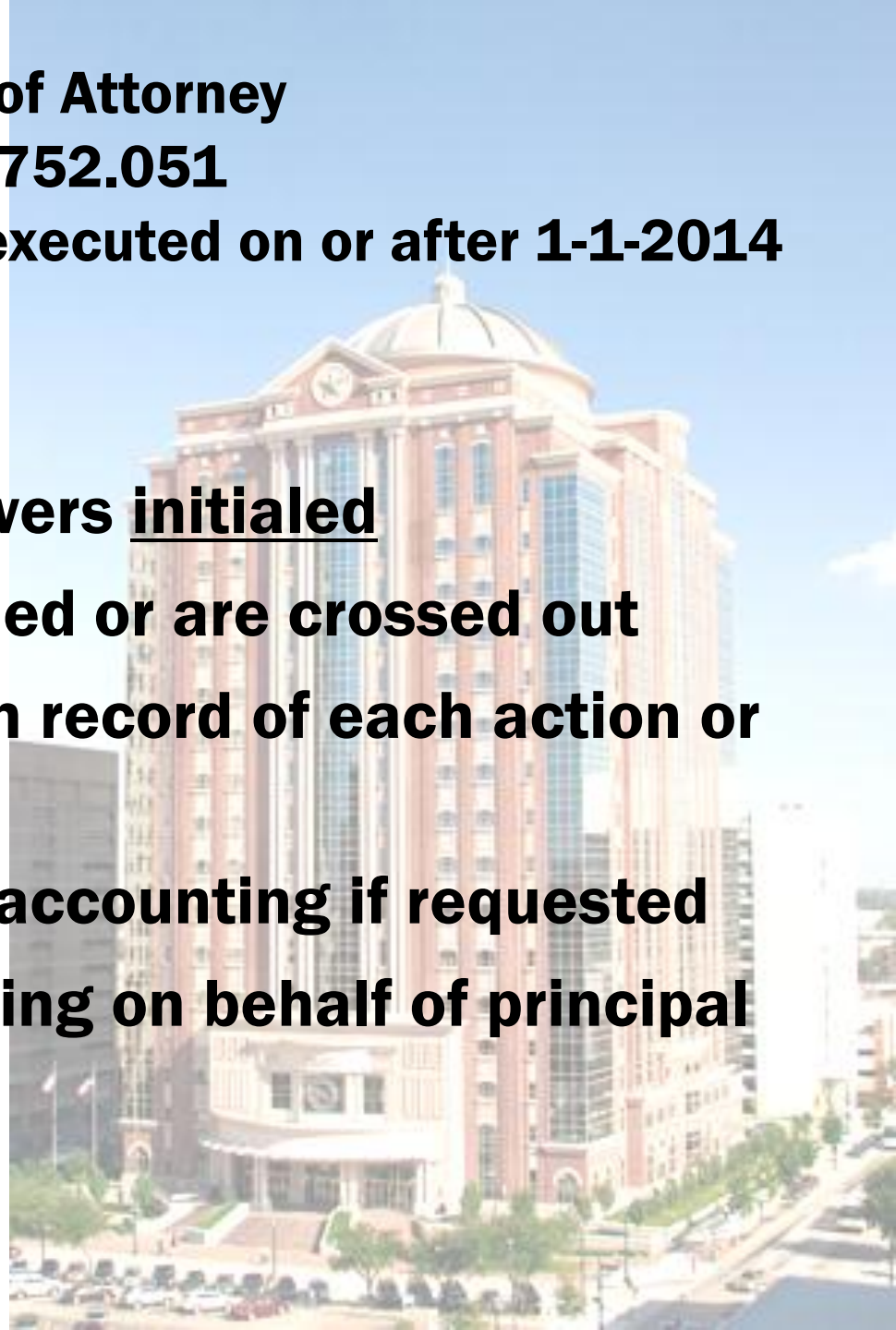
Attorney in fact has all powers initialed

Powers withheld not initialed or are crossed out

Requires agent to maintain record of each action or decision

Requires agent to provide accounting if requested

Requires agent to stop acting on behalf of principal on death, revocation



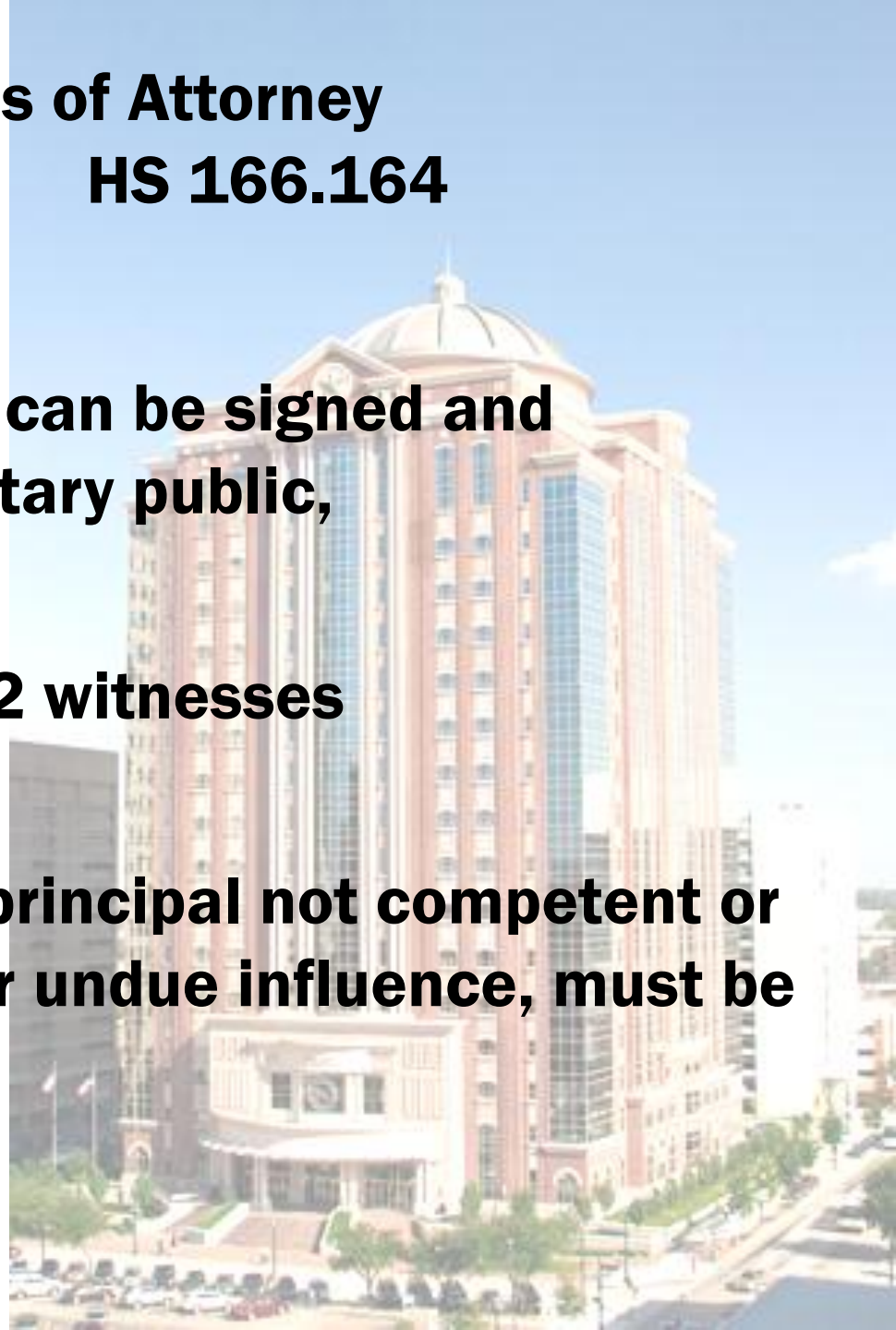
SB 651 Medical Powers of Attorney
Effective 1-1-2014 HS 166.164

**Medical power of attorney can be signed and
acknowledged before a notary public,**

Or

Signed in the presence of 2 witnesses

**Action to revoke because principal not competent or
was under duress, fraud, or undue influence, must be
brought in probate court**



SB 849 Social purpose of corporation
Effective 9-1-2013 BO 1.002

Allows for-profit corporation to include a social purpose in its certificate of formation

“Social purpose” means a purpose promoting a positive impact on society or environment or minimizing adverse impact of corporation’s activities on society or environment



SB 1289 Publication of mug shots, etc.

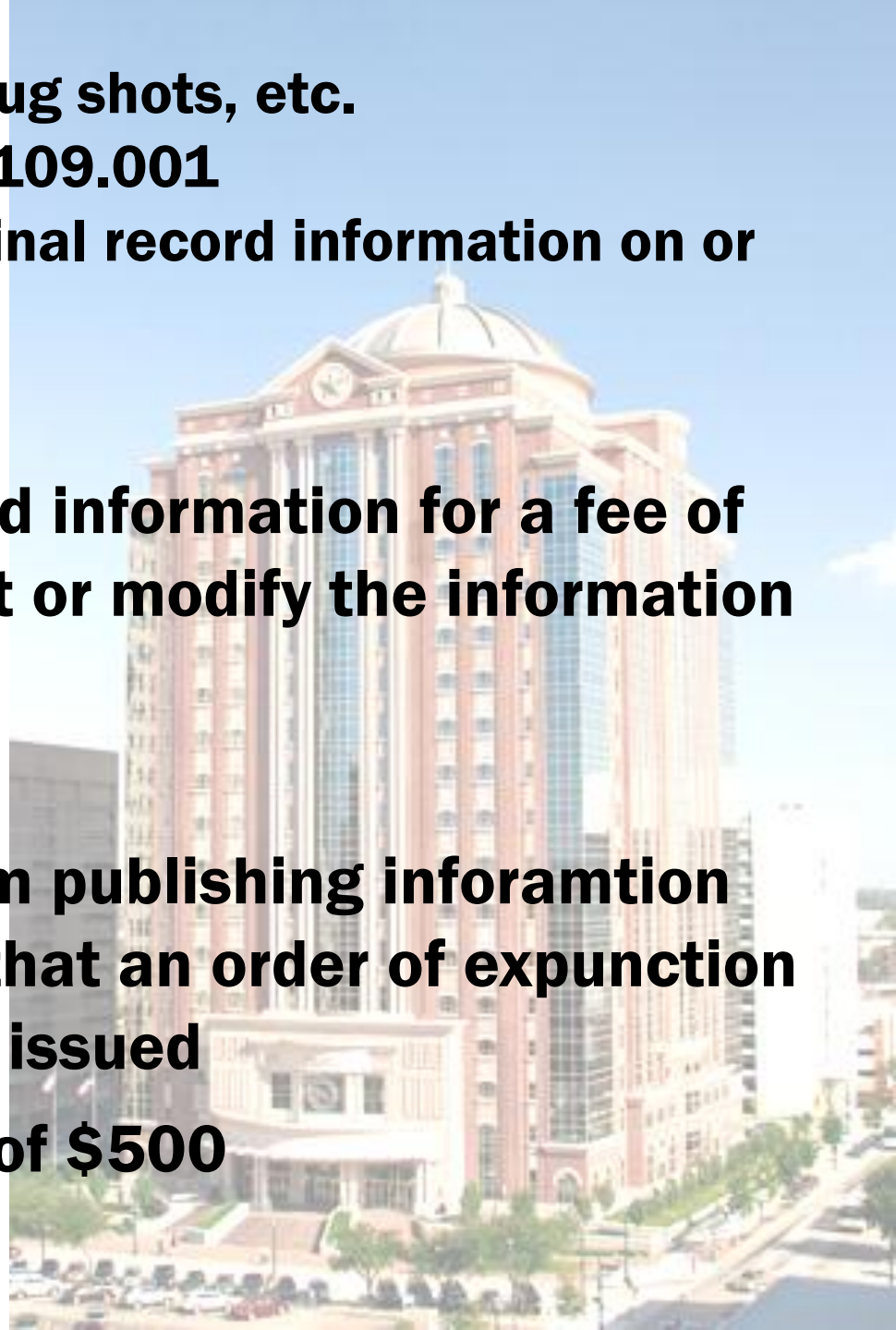
Effective 9-1-2013 BC109.001

Applies to publication of criminal record information on or after 9-1-2013

Publisher of criminal record information for a fee of \$150 or more must correct or modify the information to ensure accuracy

Publisher is prohibited from publishing information with knowledge or notice that an order of expunction or nondisclosure has been issued

Violation imposes liability of \$500



RELATED TO FAMILY LAW MATTERS



HB 389 Enforcement of property distribution
Effective 9-1-2013 FA 9.002
Applies to enforcement before, on, or after 9-1-2013

**Court rendering decree of divorce or annulment
retains power to enforce the property division**

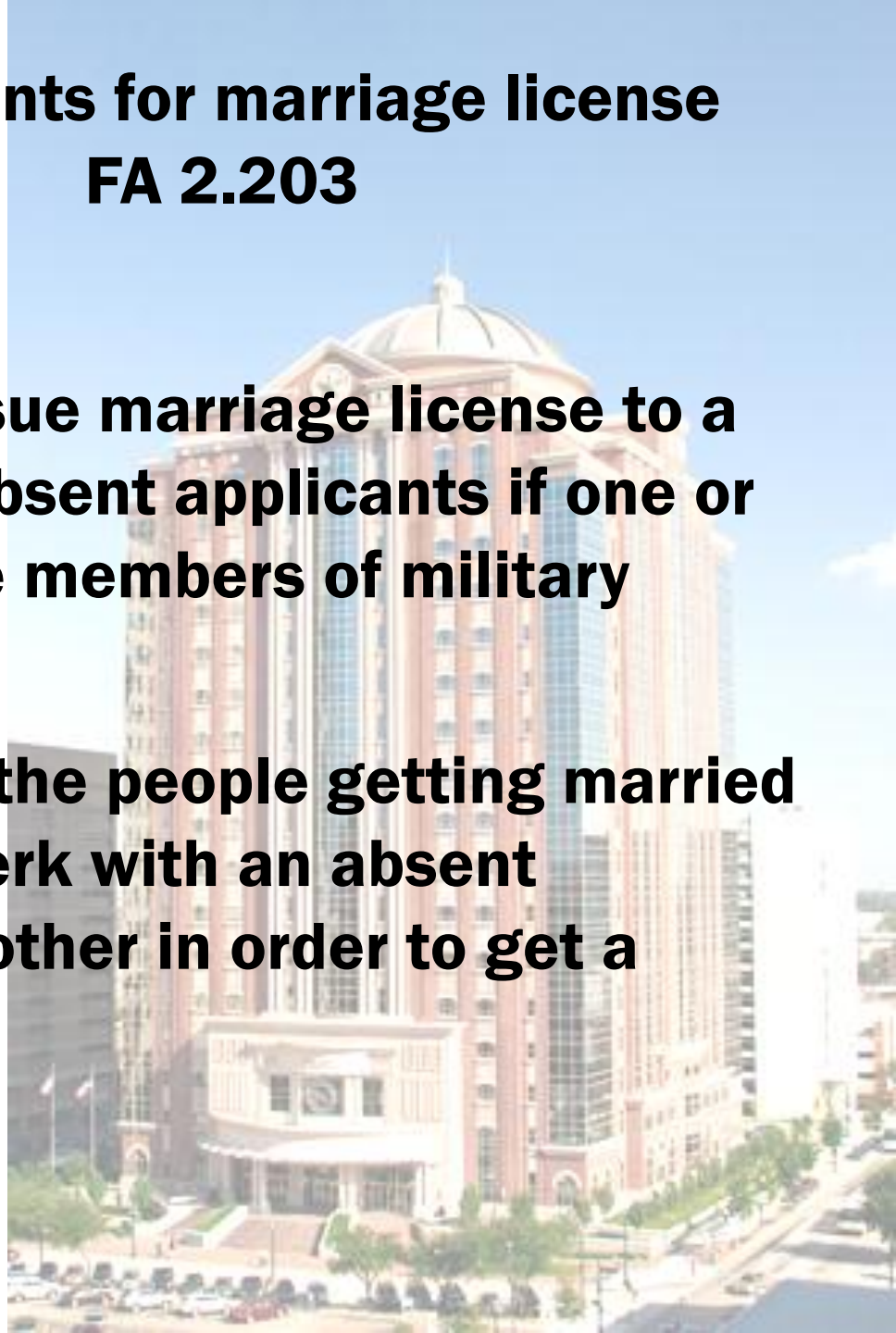
**Includes any contractual provisions in an agreement
incident to divorce that was approved by the court**



HB 869 Absent applicants for marriage license
Effective 9-1-2013 FA 2.203

County clerk allowed to issue marriage license to a person on behalf of both absent applicants if one or both absent applicants are members of military

Otherwise, at least one of the people getting married must appear before the clerk with an absent applicant affidavit for the other in order to get a license



SB 1317 Person who can perform ceremony

Effective 9-1-2013 FA 2.201

Applies to license issued or ceremony conducted on or after 9-1-2013

Validity of marriage license is extended to 90 days

Additional persons who can marry:

Retired judge of a municipal court

Retired magistrate of federal court in Texas

